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**WISCONSIN DEPARTMENT OF  
REGULATION & LICENSING**



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**PHARMACY EXAMINING BOARD  
Room 121A, 1400 East Washington Avenue, Madison  
Contact: Tom Ryan (608) 266-8098  
February 8, 2006  
8:00 A.M.**

CLOSED SESSION – Screening Panel – Screening of complaints

9:00 A.M.

OPEN SESSION – Room 121A - CALL TO ORDER – ROLL CALL

Welcome New Appointment(s)

- A. Approval of Agenda
- B. Approval of December 7, 2005 Minutes

Election of 2006 Board Officers and Board Appointments

- Screening Panel
- Credentialing Liaison
- Division of Enforcement Monitoring Liaison
- Consultation examination subcommittee appointments
- Controlled Substances Board Representative Member
- Quality Review Council
- Digest Advisor
- State Council on Alcohol and Other Drug Abuse Representative Member
- Examination Committee
- NABP examination question writing workshop volunteer
- NABP examination question review volunteer
- Pharmacy Advisory Council
- Legislative Liaison
- Impaired Provider Program Liaison

Presentation of proposed stipulation, final decision and order in the matter of disciplinary proceedings against Imran Nizamuddin, R.Ph., Case 04 PHM 088 by Attorney Jeanette Lytle - Case Advisor – Cindy Benning

Presentation of proposed stipulation, final decision and order in the matter of disciplinary proceedings against Carol Hotze, R. Ph., Case 04 PHM 086 by Attorney Jeanette Lytle - Case Advisor – Fred Moskol

Presentation of proposed stipulation, final decision and order in the matter of disciplinary proceedings against James Jernegan, R. Ph., Case 03 PHM 055 and 05 PHM 051 by Attorney Jeanette Lytle - Case Advisor – Michael Bettiga

Presentation of proposed stipulation, final decision and order in the matter of disciplinary proceedings against Jeffrey A. Swanson, R. Ph., Case 05 PHM 052 by Attorney Michael J. Berndt - Case Advisor – Rich Verschey

C. Administrative Report

- Department/Board policies and procedures
- Board Motions – reminder

D. Patient Consultation Examination Scheduling Options – Barb Showers, Darwin Tichenor  
Travel report – Marshfield Clinic Presentation – Cindy Benning  
2006 NABP Regional Meeting – status – Tom Ryan/Michael Bettiga

E. NABP Annual Meeting – designation of Board representative as delegate and consideration of application for NABP travel grant.

Travel requests received in the Bureau after mailing of agenda

Report on MPJE new and operational questions review at DRL – Darwin Tichenor

Speaker request from UW School of Pharmacy – Jurisprudence Class – consideration of Board appointment

F. Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation, and any cases, rules and legislation received in the bureau after preparation of the agenda, Including:

- Controlled Substances theft and loss reporting rule – Board review of draft
- Foreign pharmacy graduates internship rule – Board review of draft
- Prescription records and transfers rule- status
- Temporary location change - status

Legislative Liaison Report – Charlotte Rasmussen – Including:

- 2005 Assembly Bill 258, relating to prescription drug labels
- 2005 Assembly Bill 722, relating to the licensure of pharmacies located outside the state and providing a penalty - status
- 2005 Assembly Bill 683, relating to authorizing medically-related acts to nurse practitioners and physician assistants – status
- LRB-3021/P1, relating to the wholesale distribution of prescription drugs, granting rule-making authority, and providing a penalty – status
- 2005 Senate Bill 405, relating to emergency pharmacy re-location
- Remote dispensing – discussion
- LRB 4149-1 relating to dispensing a prescribed drug or device from a location that is not licensed as a pharmacy

Pseudoephedrine law – review

G. Variance request – Mallatt Pharmacy, Inc. – John M. Flint, Jr. – Mallatt Pharmacy 2, Madison, WI

H. Variance request – Aurora Pharmacy – Michael J. Bohrnstedt – Two Rivers, WI and objection to variance – Brian Jensen, Two Rivers Clinic, Two Rivers, WI

- Michael J. Bohrnstedt – APPEARANCE 11:05 a.m.
- Brian Jensen - APPEARANCE – 11:10 a.m.

Variance requests received in the bureau after mailing of the agenda

Practice Questions received in the bureau after mailing of the agenda

Licensing Liaison Report

I. DEA Drug Theft and Loss Reports

Consultation work group – presentation of draft grant proposal – Beth Martin – UW School of Pharmacy

J. General policy for CE extension/waiver requests at renewal

Wisconsin Pharmacy Forum Meeting (tentative dates) – Board consideration of attendance – Mike Bettiga

- March 13, May 31, November 29, 2006

K. Informational Items

Application issues received in the Bureau after mailing of agenda

Presentation of Remedial Education cases received in the Bureau after mailing of agenda

Education and examination issues received in the Bureau after mailing of agenda

Motion to Invite New Appointment(s) Into Closed Session

CONVENE TO CLOSED SESSION to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g))

L. Request for waiver of reinstatement process – Robert Martin

M. Application review – Doug Aos

N. Deliberation of proposed stipulation, final decision and order in the matter of disciplinary proceedings against Imran Nizamuddin, R.Ph – Case 04 PHM 088 - Case Advisor – Cindy Benning

- O. Deliberation of proposed stipulation, final decision and order in the matter of disciplinary proceedings against Carol Hotze, R.Ph. – Case 04 PHM 086 - Case Advisor – Fred Moskol
- P. Deliberation of proposed stipulation, final decision and order in the matter of disciplinary proceedings against James Jernegan, R.Ph. – Case 03 PHM 055 and 05 PHM 051 - Case Advisor – Michael Bettiga
- Q. Deliberation of proposed stipulation, final decision and order in the matter of disciplinary proceedings against Jeffrey A. Swanson, R. Ph., Case 05 PHM 052 - Case Advisor – Rich Verschay
- R. Consider administrative warning in case 04 PHM 077
- S. Consider closing case 03 PHM 069 - Case Advisor – John Bohlman
- T. Consider closing case 05 PHM 035 – Case Advisor – John Bohlman
- U. Consider closing case 03 PHM 029 – Case Advisor – Michael Bettiga

#### DOE MONITORING

- V. Requesting reinstatement of stay of suspension - Lance Lundstad, R.Ph. – APPEARANCE 11:45 a.m.
- W. Requesting full reinstatement - Robert Guzzetta, R.Ph.
- X. Requesting three month stay and modifications - Michael O’Kray, R.Ph.
- Y. Requesting three month stay and modifications - Thomas Pire, R.Ph.
- Z. Requesting three month stay and modifications - John Schmitt, R.Ph.
- AA. Possible violation of board order - Donald Leetz, R.Ph.
- BB. Possible violation of board order - Duane Oestreich, R.Ph.

Deliberation of stipulations, final decisions and orders received in the bureau after preparation of the agenda

Deliberation of monitoring reports that may be received in the bureau after preparation of agenda

Deliberation of proposed stipulations that may be received in the bureau after preparation of agenda

Deliberation of proposed decisions that may be received in the bureau after preparation of the agenda

Consider closing(s) of disciplinary investigation(s) with administrative warning(s) that may be received in the bureau after preparation of the agenda

Consider or review of administrative warning(s) received in the bureau after preparation of the agenda

Matters relating to costs received in the bureau after preparation of the agenda

Division of Enforcement – case status reports and case closings

Division of Enforcement – meeting with individual board members

Review of Applications that may be received in the bureau after preparation of agenda

CC. Consulting with legal counsel, including:

- Review of document entitled “Petitioner’s Final Brief” in the matter of Neil Noesen v. State of Wisconsin Department of Regulation and Licensing and Pharmacy Examining Board

Review of candidate challenge to scoring of patient consultation examination

Examination issues received in the bureau after preparation of the agenda

Deliberation of Remedial Education cases received in the Bureau after preparation of the agenda

Application issues received in the bureau after preparation of the agenda

Validation of examination scores

#### RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Voting on items deliberated or considered in closed session if voting is appropriate

#### ADJOURNMENT

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC UNLESS OTHERWISE NOTED. IF A BOARD ADJOURNS TO CLOSED SESSION, RECONVENES IN OPEN SESSION TO VOTE ON ITEMS CONSIDERED IN CLOSED SESSION, AND DURING VOTING DETERMINES THAT ADDITIONAL DELIBERATIONS ARE NECESSARY FOR VOTING, THE BOARD MAY ADJOURN TO CLOSED SESSION TO CONTINUE DELIBERATIONS AND THEN RECONVENE INTO OPEN SESSION FOR VOTING.

Meetings and hearings may be cancelled without notice. Times listed for meeting items are approximate and depend on the length of discussion and voting. The board may also consider in closed session, stipulations filed after the printing of this notice. Meetings may be confirmed by a telephone call to the listed contact person. Examinations are open only to authorized candidates. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. For a complete copy of the board’s agenda, contact the board listed above. Interpreters for the hearing impaired provided on request. Contact the Affirmative Action Officer, (608) 266-2112.

